Judge Cardozo Declares the Law Unconstitutional and Wholly Void.

1 License Declared to be a Contract Not Revocable.

The Injunction on the Board of Dzcise Made Permanent.

Judge Cardozo hes, for reasons given by himself in the following opinion, rendered an early decision in the case of Helt agt. Schultz, in favor of the plaintiff. It will be seen by a perusal of his optnion that he bases the decision on the ground that the act is wholly void, being in some provisions unconstitutional. The following is his

Holt agt. Commissioners of Excise, &c.: Immediately on the submission of this case, being convinced that very little, if anything, could be added to the argument of the distinguished counsel for the plaintiff, and being informed by the learned counsel for the defendants that he should not in the case of Falk agt, the same parties argue further any of the peints which had been discussed in this case, and I must add that his argument already made had exhausted the subject; and the case being one of great public interest and import-nace, I commenced the examination of the matter, putting e all other engagements and devoting myself to it night and day, except when actually occupied in Court, but intending, nevertheless, to withhold my opinion until the Falk case had been finally submitted to me. But the proceedings before the several magistrates yesterday seem to demand that there should be no further delay, and that I should make known the results of my investigations, and I therefore proceed to ex-

press my views as follows:

On the 14th of April, 1866, the Legislature of this State passed in two (basp, 578 of the Laws of 1866) entitled "An Act to regulate the sale of intexicating liquers within the Metropolitan Pelice District of the State-of New York," by the third section of which it is provided that "From and after the first day of May, 1866, no person or persons shall within the said Metropolitan Pelice District, exclusive of the County of West-

view I take of the case, no specific mention need be made of them.

Prior to the passage of this law the plaintiff in this case, under the act of the Legislature of April 16, 1857 (chap. 62, 405), and in conformity with its provisions, procured from the then Beard of Commissioners of Excise for the City and Donniy of New York, a license as an inakeeper "to sell strong and spiritaous liquers and wines to be drunk in his house and on his premises," from the 7th day of June, 1855, until that license should "expire by operation of law, or be revoked for a vicition of the provisions of the fouresaid act." By the fits section of that act all licenses "when issued shall be in force, unless revoked, until ten days after the third Transday in May next sneededing the granting of such license, and in the City of New-York until 50 days thereafter." By the 26th section, which show confers the right of revocation, the Court of Sessions is authorized in certain cases, and upon notice to the party interested, to "inquire into the circumstances and to revoke" a license granted to a person vicking the provisions of the act. No right of revocation, except for cause, and to be exercised in the manner I have mentioned, is reserved by the act.

To procure a license under that law the plaintiff paid the sum of \$30, the amount required of him by the then Board of Com-

ions of the act. No right of revocation, except for cause, also be exercized in the manner I have mentioned, is reserved by the act.

To procure a license under that law the plaintiff paid the sum of \$90, the amount required of him by the then Board of Commissioners—fixed by them under and pursuant to the authority conferred by the second section of the statute. More than two months of the period specified in the license remained unexpired on the list day of May last, and no provision for compensation to the plaintiff for the loss of the unexpired term of that license is made by the Act of 1850; nor is there any classe in its saving the rights of persons whose licenses had not then expired. Under these circumstances the plaintiff has filed his complaint, setting forth substantially the matters I have menitoned, and charging, among other things, that upon the faith of the heaves under the Act of 1857, he had bought a large stock of winces and I puors, a considerable portion of which yet remains upon his premises and unsold,—that he wishes and intends to exercise the powers and rights which he cluitus are secured to him by the first hecease, and to prosecute his business, not withstanding the Act of 1850, and he insists that if the defendants, or may of them, who are charted with the execution of the last-mentioned statute should cause him to be arrested, as they may do, for each richaiton of its provisions, which will be very numerous, he will sustain great and irrepressed injury. A tamporary injunction reconsting may find the defendants, by virtue or in pursuance of the Act of 1856, was granted by me, and argument has been made by disting guished connect upon both sides, noon a motion to continue it suntil final judgment in the extention of the charted when he are made by disting guished connect upon both sides, noon a motion to continue it suntil final judgment in the extention.

sents. I am secredly obligated impartially to law according to my best judgment, and when I wed at a conclusion I am similarly bound to declare it whatever it or its conseque ces may be. Three principal questions arise in this case: First—Whether the plaintiff has such an interest as entitles

Clare it whatever it or his consequences may oc.

Three principal questions arise in this case:

First—Whether the plaintiff has such an interest as entitles him to a standing in Court.

Second—If he has, whether the remedy by injunction is appropriate; and leads, and most important, whether the act of 1806 is unconstitutional.

The defendants object that the plaintiff by applying for and accepting a license under the present act, has surrendered any rights he might have had under his previous hoense, and that, therefore, he cannot maintain his action; and of course, if it be true that he must ultimately be defeated in the suit, the preliminary injunction should be dissolved. But I cannot concur with the learned counsel for the defendants that any such surrender has been shown. It is not suggested that any formal release was executed by the plaintiff, nor that the license was executed by the plaintiff, nor that the license was executed by the plaintiff, nor that the license was executed by the plaintiff, nor that the license was executed by the plaintiff, nor that the license was executed by the plaintiff, nor that the license was executed by the plaintiff, nor that the license was executed by the plaintiff, nor that the license was executed by the plaintiff nor that the license was executed by the plaintiff of the plaintiff's application under the new statute was not incompatible with an intention to assert the validity of his old license. It was a precawtionary act. If his old license were constitutionally destroyed by the recent legislation, he needed a new one. If the new statute were void, he could not give it vitality. He would get nothing by a grant under a void law, but he lost nothing by taking that which was worthless. Besides, in one sense, the sphilation for the new flicense was, as the complaint charges, compulsory, because if the act of 1837—If he did not mean to be totally deprived of the right to continue the business he had established. He could not be required to determine the grave question o

appear, is no reason to present in a sovered at the preriously acquired rights, or to deny to him the privilege of impagning in the Court the constitutionality of the stantar. The
defendants cannot be heard to say that the plaintiff had the
defendants cannot be heard to say that the plaintiff had the
alternative to take a license from them or not, as he pleased,
and that therefore his doing so was voluntary, while at the
same time they assert that if he did not take one, he would
have no right to sell liquor at all, and must hose both his stock
in trade and the business he had established. A license thus
taken is taken by compulsion, even though it be true that the
defendants did not so much as invite the plaintiff to make the
application; and if taken coercively, there is no pretence for
linerring a surrender of previously acquired interests.

I am, therefore, of opinion that the first objection raised by
the defendants is unleashle and must be overruled; and that
the plaintiff, if the brease granted to him suder the act of left
conferred a vested right, which will necessarily be invited in
the third question which I have stated, has such an interest as
will enable him to come into Court and ask its judgment in the
areamses.

The himses me to the next inquiry, which is whether under

premises.

This brings me to the next inquiry, which is, whether under the circumstances of the case, the remedy by injunction will be proper, if the not in question be found to be unconstituted.

be proper, it the not in question be round to be unconsti-tational.

Upon this point it seems to be scarcely necessary to do more than refer to the case of Wood agt. The City of Brooklyn, 14 Barb, S. C. K., 423.

"Disreputable imprisonment," to which the plantiff would be subject is distinctly put by Judge Strong as a sufficient reason for granting an injunction. I do not mean to be un-directed that in my judgment this case presents no other rea-son for equitable interference, but it seems to me to be enough to place it upon the same ground which was approved by that emisent and accurate jurist.

minent and accurate jurist.
Still it may be well to cite a few passages from Judge Story's Still it may be well to cite a few passages from studge Story's work on equity jursprudence, which appear to be directly in point in this case. It should be remembered that this action seeks to protect property. Its object is to provest irreparable damage to the business of the plaintiff, which netwithstanding the opposing affidavit, the Court mast see, will follow if the be interfered with as provided by the act in question. Such an interference amounts to a missance, which, it is well settled, will be restrained when private individuals suffer an injury distinct from that of the public in general.

sectied, will be restrained when private individuals ander an injury distinct from that of the public in general.

In Section 222 of his work on equity jurisprudence, dudge Story says: "Where the injury is irreparable, as where loss of health, loss of trade, destruction of the means of subsistence, or permanent ruin to property, may or will chaue from the wrong ful not or crection—in creary such case courts of equity will interfere by highuction in furthernance of justice and the violated rights of the party." Again in Section 225: "It is upon aimitar ground that courts of equity interfere in cases of treappasses, that is to say to prevent irreparable mischiefe or to suppress multiplicity of suits and oppressive ittigation." Decupy it think has been quoted, to show that there can be no doubt of the right to grant an injunction for the defendants erred in supposing that the cases cited by him are authority sayingt this view or support his position that an injunction should not be allowed even if the statute be connected to be unconstitutional. On the contrary, many of them, as well as the case of Wood agt. Drapert Abb., P. E., decided by the present Chief Judge of the Court of Appeals, not cited by the counsel, admit that the remedy by injunction is a proper one, and only put the refusal to allow it, soos some ground of defect of parties on initially or want of proper allegations in the complaint. Thus, for Wood agt. Drapert (supra while the right to grant an injunction was assected and stabilized, it was refused in that case, because it was held that the plaintiff, suing simply as a targety of the court of a present of the complaint. Thus, for what of proper allegations in the complaint. Thus, for what of proper allegations is a proper one, and only put the refusal to allow it, soos some ground of defect of parties opaning, or want of proper allegations in the complaint. Thus, for what of proper allegations is the complaint. Thus, for what of proper allegations is the complaint. Thus, for what of proper allegat

not maintain an action. In his individual name, without an averment that the suit was brought on his own behalf, and averment that the suit was brought on his own behalf, and "also on behalf of all others having a like interest." Again, or Thompson agt. The Commissioners of the Conad Fund which was also a suit by a tax payer. Mr. Justice Mitchell said that unlied by intunction was never granted mercity to prevent an ultier from carrying out a law of the State because it was

in Thompson agt. The Commendants of the Collar distal that rolled by infunction was never granted mercey to prevent an other from earring out a law of the State because it was december from earring out a law of the State because it was december an earring out a law of the State because it was december agreement an other from earring out a law of the State because it was december agreement an officer from earlier of the other ones eited by the counsel will be found, upon a careful examination, to be either foreign to the precent question or cluste to be an authority, though the remedy may have been refused in that particular metance, for essenting the propriety of allowing it whenever, as here, a fit case for it be made.

The second objection taken by the defendants' counsel cannot, therefore, be sustained.

Is the act of 1966 constitutionel?

Is it repugnant either to the prohibition in the Federal Constitution, the supreme law of the nation, which prevents any State from passing any law impairing the obligation of a contract (Art. 1. Sec. 10, studitistion 1); or decest contractes the fundamental law of our own State, which declares that "no person shall be desrived of life, liberty or property without due process of law "—art. 1, Sec. 6.

I think it is opposed to both, I shall not stop to examine whether the act under review annuls the unexpired licenses issued under the statute of 1857. The learned counsel upon both hades concede and assert that it does, and, therefore, feel at liberty to assume it as indisputable. Nor is there any doubt that if the third section of the statute be void as to any class of citizens, that it is void as to all; because it is manifest that the act did not mean to, and does not create different classes, upon some of whom it should not. Nor is there any voom to dispute that if that section be involid, as it is such an important part, and indeed the life and being of the whole seheme of the act without which all the other provisions would be fulle; the whole statute must share its fa

regulate the sale of figuor under them, our I save no acanot be sustained which, like the present, has the effect to render a previous grant void. That is not regulation, it is destruction.

I shall not review or express my views of the decisions of courts of other States which were cited by the defendants counsel and which he argued established that such licenses as those in question conferred no vested right, but were revocable at pleasure, because, however learned the courts pronouncing them have been, and even if they go to the full extent which the counsel for the defendants centended they did. I cannot receive them as authority in this State, where I understand our courts to have clearly and plainly decided principles with which they are utterly inconsistent. Nor will it be necessary to consider and apply the numerous citations from the clementary books and the decisions of the courts of the United States, which were urged upon me by the learned counsel for the plaintiff—many of which bear pointedly upon the question involved—because that the floorne was property, and could not thus be annihilated, can be demonstrated from the cases decided by our own courts.

Before proceeding further. I ought to remark that the right of revocation is only claimed by the defendant's counsel on the ground that the Constitutional prohibition has 'no application to the exercise of police powers," which he asserts the revocation of the license to be. It is not pretended that the ground that the constitutional prohibition has 'no application to the exercise of police powers," which he asserts the revocation of the license to be. It is not pretended that the ground that the constitutional prohibition in the 'no application to the exercise of police powers," which he asserts the revocation of the license to be. It is not pretended that the revocation of the license to be. It is not pretended that the constitution of our State, and the revocation of the case, is very greatly restricted. It will only be material, then, to inquire

Ed. O'Comor, 18 Rosevet. 4.

Dan Berm. 18 Rosevet. 4.

Dan Derm. 18 Rosevet. 4.

Francis E. Ch. 2 Janes sip.
Deling D. Chris. 10 Faltenet.
Herry Hill. 26 East Houstonet.
The following named prisoners were discharged upon their own recognizances to appear when naided upon
Dennis Driscoll. 11 Nassanet.
John Facil. 18 Declaresses.

George Burne, 15 Centrest.
George Burne, 15 Centrest.
JETTERSON MARKET FOLICK COURT.
The following named prisoners were arraigned before Justice
Ledwith, and held in \$100 ball each:
Jon. G. Jerney, 556 6th ave.

Jon. J. Worthman. 127 Princett.
Jon. G. Jerney, 556 6th ave.

Mich. Osliaher, 26 10th-et.

Jon. G. Jerney, 508 (theave, Jos. Careno, 699 Sheave, H. Mefsinn, N. W. C. 6theav, 22-st. L. Schroder, 1183 Broadway, Berman Tinker, 50 Mercer-st. Mrs. Decling, 224 Hudson-st. John Mark, 654 Greenwichest, John Mark, 654 Greenwichest, John Mark, 654 Greenwichest, John Hurke, 302 7th-ave, Lebrd Markin, 52 Bedford st. John Brake, 302 7th-ave, John John Mack, 551 Greenwichest, John Coman, 338 6th-ave, John Hurke, 322 7th-ave, Peter Sheridan, 422 5th ave, Prairie Laughan, 778 W. 27th-45, Paire Hymac, 345 7th-ave, Louis Himach, 645 6th-ave, John 14, Holwinkle, 521 8th-ave, John 15, Holwinkle, 521 8th-ave, John Enscoe, 500 Broadway,

Mrs. McManara. 19 W. Auton.
John H. Myers. 276 Gibave.
Lida Lewis. C36 Seventh-ave.
Lida McNeil. 160 W. 18th-at.
Lida McNeil. 160 McNeil.
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Lida McNeil. 160 McNeil.
Lida McNeil.

Counsel-Charge of the Judge-The Case Submitted to the Jury-Verdict Six Cents for Plaintiff.

The proceedings in the case of Demas Streng vs. George C. Bennett, for libel, were broacht to a close yester-day. The Court resumed its sitting at 9; a. m., and Mr. Isaiah T. Will ams of counsel for defendant proceeded at once to the

were was a very important one (counsel read here to show that the value of this bill was very great, indeed,); and so, notwith standing the Governor showed clearly the uncasatitutionship of the law in his veto, he voted for the bill, he coannot tell you why he voted for it without telling what would be fined to him him in als case; he played sharply and well, but he played foully.

him him its case; he played sharply and wen, due to played foulty.

Mr. Williams sent took up the testimony in regard to the Coyle matter. You saw Funk's unwillingness to testify; but you have the facts of that case. I do not believe mother man could be found in Brooklyn against whose character six maquestionable men would swear that they would not believe him on eath, as we have had swern regarding the Strong. His counsel have tried to prove his bad name to have been caused by The Brooklyn Times. We had a witness who swore to its baving been common talk in Albaay months before the article in question was published. They have not been able to impeach Funk's character at all, and yet they have had a year to prefure their case. (Counsel repeated briefly the main facts in the Coyle affair.)

As to Strong's own testimony, you will remember that his

impeach Funk's character at all, and yet they have had a year to prepare their case. (Counsel repeated briefly the main facts in the Coyle affair.)

As to Strong's own testimony, you will remember that his counsel examined him in a peculiar manner. "Did you do so and so?" "No." That was the invariable form of question and answer. It is almost impossible to do anything with such a single point to take held of we should have drawn his life out. Mark, he was not asked if he knew Fouk; why was not the boy, who was made to take the money from Coyle to Strong, brought on the stand? Mr. Cooke knew we could not get him unless the mother brought him, and he was her friend and adviser. He had the greatest interest in concealing that matter. Mr. Williams closed a three hours' argament by referring to the fact that Mr. Bennett's character had remained untouched by a breath; his motive had been pure in publishing the article at the foundation of this case; he deemed it his duty to hold up a legislator, recreant to his trust, before the world, even as Christ drave the money-changers from the temple with a whip of small cords. Thick, said he, in conclusion, of the men who have lived and died for their country in all times—of Epaminondas and Fabricius—of the generations of heroes and marters who have offered their lives for the cause of mankind; think of the many who in all ages have sacrificed themselves for liberty, purity and cood government, think of the mary of names there bright and effulgent with purity and particism, and then answer whether all that is to be lost. Think of lichard Cobden, of whom John Hiright has lately spoken in words of pious calogy—whose labor has added whole realms to the ever widening empire of human freedom; think of Richard Cobden, and then turn and contemplate Demas Strong if you can:

A to the conclusion of Mr. Williame's address loud applause browned to prometry suppressed by the Jadge.

The Court then took a recess for half an hour.

Demas Strong if you can' At the contrious, but it was prompty suppressed by the Jadge.

The Court then took a recess for half an hour.

ARGUMENT OF MR. JENKR.

Upon reassembling, Mr. Grewith T. Jenks took the floor for the phinniff. He began by romandine his tlenaure at u cetting the learned counsel on the other side, with whom he had enjoyed friendly acquaintance for year. Mr. Jenks then the core is a second to review the argument of the barned counsel on the other side, remarking that he should confine hims if to the facts of the case. What are the fields 'Mr. Strong began hife so a merchant; he ongared somewhat in philities, and this went to California. "On " say forward one Dunnel to swear that went to California." On " say forward one Dunnel to swear that went to the form of the philips of the calculation." On " say if yeward one Dunnel to swear that went to the form of the calculation of the calculation." The say of the went to the form of the calculation of the calculation of the calculation. "On " say if yeward one Dunnel to swear that we had been to the form of the calculation." We have produced to that the testimony of Mr. Taimadge, a merchant in Hennessen, well known to all of as, who swears that it was pool when in California that he held positions of public trust. Let me refer to the unfriendly way in which the try this case. Mr. Strong left California about the time of the Vigilience Committee. This is a specimen straw to anoth way in which the vigilience Committee. This is a specimen straw to anoth way in which the whole scase has been conducted. If Strong was driven out by the whip of the Vigilience Committee. This is a specimen straw to some way in which the whole some in the calculation of the straw of the piper, would be walking for any many of the calculation of the straw of the piper, would be walking for a white the calculation of the straw of the piper, would be walking for the many of the straw of the piper walking to the piper walking to the piper walking to the piper walking to the pip

and the control of th

resentative of the newspaper press. Our nation and our ancestors have always resisted to the death all limitation of the public orres; and if the trie be per proved that the plantiff has been guilty of corruption, at will answer the purpose. But when I tell you the press has liberly to put anything in its actions without censure, I do not mean to sanction its abase; therefore if the article in question be proved a fairs and alrocass libel, you are to make out the case against the defendant. He holds that a Senator who has bribed another Senator cannot be very tender-hearted in regard to legislative corruption. The case of Johnson in the Tenth-ave, case is the first. A lawer tried to defeat a bill by employing Mr. Strong; Strong goes to Albany (the case here recounted). There are three charges in reference to his action as Senator, upon the complaint that he would try to bribe a member of the Assembly. (Pertinency of MacKay, Forester and Covie quoted.)

It is sho admitted to defendant to plead facts in mitigation, which you may take into account to prove no malice in the libel. If the defendant is in possession of facts which, though they may fell short of actual proof of corruption, of course may be taken into consideration as a mistaken part of the libel on supposed facts. You may also take these facts in mitigation as oring believed at the time of publication, as that disproves a wicked libel.

Next, as to the bad character of the plaintiff. If he had a generally had character, of course the injury done him is not so great as to an upright homest man. If it has been in any degree caused by the publication, of course that has nothing to do with mitigation a Ten Jury retired at 4:15 p. m., and after some time returned a verdict of six cents for plaintiff.

THE CHOLERA.

TWO CASES REPORTED YESTERDAY IN NEW-YORK

ANOTHER INFECTED VESSEL ON THE WAY TO THIS PORT.

Action of the New-York Academy of Medicine.

HOMEOPATHIC TREATMENT OF THE DISEASE.

Two cases of cholera were reported yesterday at the office of the Sanitary Superintendent. The measures, the office of the Santary Superintendent. The breaster, already so successful in preventing the spread of the poison, were used, and the probabilities are that so long as they continue, the mortality from this cause will not largely increase. The best medical authorities agree that the danger from choicing the continue of the contin already so successful in preventing the spread of the poison, were used, and the probabilities are that so long as they continue, the mortality from this cause will not largely increase. The best medical authorities agree that the danger from cholera arises mainly from the decomposition of the dejections of patients sick with the disease, and if the theory be correct, the Board of Health are acting wisely in their almost unlimited use of disinfectants. Wherever a cholera patient is found, all the clothing, bedding and vessels used in the chamber of the sick—all the rooms, water-closets, yerds and areas afeguard. They selfice prevent nor care cholets. ber of the slok—all the rooms, water-closeta, yerks and areas in the immediate vicinity of the premises—are submerged, inundated, or covered by such chemical agents as experience has shown to be efficacious in destroying the poison. Sulphite of Iron, Permangate of Potassia, Chlorite of Lime, Quicklime and Colx powder are the articles used in cach case in large quantities. The room in which disinfectants are stored contains a pientiful supply, and preparations for any emergency that may arise are being pushed rapidly toward completion. All the provisions of sunitary science have been studied, and all that they have suggested has been done in the way of preparing for an epidemic. What value they have will be thoroughly tested, and the Board of Health feel are pired to do what little is possible against the poison and its effects.

CHOLERA IN THE CITY.

Mrs. Malone, a widow, 40 years of age, residing at No. 104

Best Broadway, was attacked by the disease at 4 oclock yesterday merning. The latest report last evening concerning this case was very faverable, and there was a strong probability that the patient would recover.

The grift of Garcas Simons and as experience and added the perfect for a many of the bowels, sond at one for institute of the use of vine, spirits or lobated to the use of vine, spirits or lobated to the use of vine, spirits or lobated to the use of vine, spirits or lob taking all posted to the use of vine, spirits or lobated to the use of vine, spirits, or lobated to the use of vine, spirits, or lobated to the use of vine, spirits, and or lobated to the use of vine, spirits, and daring all drogs, nontrums, and es

terday merning. The latest report tast evening concerning this case was very faverable, and there was a strong probability that the patient would recover.

The wife of George Simpsor, who died of the disease, a few days ago, at No. 19 Matherry-st., was also attacked yesterday morning with promomitory symptoms of cholera. Fear had driven her friends from the house, and she was therefore, sent to Bellevine Hospital for such attention as she might need.

The Cholera AT Quarantine.

Two deaths from cheleta have taken plue on board the Hospital ship F leon since last report, namely, Jens Peter Georgienson, aged 29, of Demanar, and Francis Resembangh, aged 64, of Germany. Two new cases have also been received, William Butler, aged 57, of Prussia, and John Welpe, aged 14, of Austrie.

ANOTHER INPECTES SHIP ON THE WAY TO NEW-TORN. A letter dated Antwerp, Mey 31, trem Messry. Steinman & Co., agents in that city for the house of Wm. F. Schmidts Sons, No. 33 Beaver-st., New-York, has been received, oon taining important news from the ship Agnes, which sailed from that port on the day the letter was written and will be due here about the middle of July. The following extract contains the more important face concerning the progress of the disease on that vessel:

"Gentlemen Included you will find a list of the passengers who died and of those who are still lying sick at the Hospital at Fort Lielkenshock, inken from the ship Agnes, which was to have sailed hence to New-York on the stop Agnes, when was to have sailed hence to New-York on the stop Agnes, when was to have sailed hence to New-York on the stop Agnes, when was to have sailed hence to New-York on the stop Agnes, when was to have sailed hence to New-York on the stop Agnes, when was to have sailed hence to New-York on the Hospital at Fort LielKenshock, inken from the slip Agnes, when was to have sailed hence to New-York on the Hospital at Fort LielKenshock, inken from the slip Agnes, when was to have a sailed hence to New-York on the Hospital to the checking out of J

tains the more important face concerning the progress of the disease on that vessel:

"GENTLIMEN: Inclosed you will find a list of the passengers who died and of those who are still lying sick at the Hospital at Fort Lietkenshock, taken from the slap Agnes, which was to have sailed hence to New York on the 13th inst., but was detained by the breaking out of 13 cases of chalers.

"The Government offlictal as slav the Marine Commissioners, took, with praiseworthy activity, all steps and enterced all regulations which were necessary to prevent the further spread of the fearful epidemic.

"A fort was put in proper state to be occupied as a hospital for the sick: experienced physicians were put in charge; nurses and soldiers, who offered their services, did their utmost to allowing the sufferings of those attacked by the discase. Four Sisters of Charity took charge of the women and children, and the Protestant and Catholic clargy were untiring in their duties. We send fresh meats bread and vegetables to the fort duile, and viait the sick personally to see that the sufferers have the best of treatment. We have furnished the sick with clean new bedding twice, burning that which had been used. Notwithstanding all our exertions 56 persons died, and 25 are still sick.

"The Agnes sailed at 3 o clock this morning with the well passengers on board. Such of the passengers as wished to re-

The Agnes sailed at 3 o'clock this morning with the well pieces. The Agnes sailed at 30 clock this morning with the way passengers on board. Such of the passengers as wished to return home were furnished with transportation, while those who wished to proceed took passage in the Agnes. We stope the seasiff may put an end to the epidemic. The latest cases of sickness were typhus fever, not cholera. We give you these details so that rou may know what has been done for the sick. The effects of the dead we send you by the vessel, to be delivered to the Council as the law prescribes. We call attention to this fact so that the relatives of the dead may reclaim their effects at your hands. There are now 250 passengers on board, and we hope they may have a quick and safe passage." LIST OF THE DEAD.

LIST OF THE DEAD.

LIST OF THE DEAD.

The following is a list of the passengers from the ship Agnes, who died at Fort Lief kenshook, near Autwerp, before May 31: Mathias Bisken, aged 3, Prassia, Michels Binas, aged 34; Prassia, Avenute May, aged 32, Belgium; Johanus Schine, aged 47, Holland; Cornelin De Witte, aged 28, Helland, Anna Warter, aced 52, Holland; Cornelin De Witte, aged 28, Helland, Anna Schine, aged 47, Holland; Cornelin De Witte, aged 18, Helland, Anna sen, aged 14, Helland; Cornelin De Witte, aged 18, Helland, Anna Sen, aged 14, Helland; Neipe Hobecke, aged 1, Holland; Christina Herosen, aged 5 months, Holland; Johanna Eanwarding, aged 34, Holland; Pierre Goorhius, aged 27, Holland; Christina Herosen, aged 8, Helland; Agnes Octsman, aged 7, Holland; Jean Octsman, aged 14, Holland; Bernard & Groot, aged 54, Holland; Pierre Vonderber, aged 36, Holland; Johanna Velliner, aged 3, Baden; Fellx Kirll, aged 40 Margarier Kubli, aged 3 and Mary Kudl, aged 6 months. Switzerland; Edward Naef, aged 17, Switzerland; Janob Lupic, aged 48, Switzerland; Chemes Courad, aged 57, Gelgium; Franz Luberman, aged 30, Wartemberg; Navin Befuer, aged 49, Mortensberg; Francis Calman, aged 36, Ollenberg; George Pick, aged 24, Ollenberg; Michnel Suroyn, aged 37, Helland; Frederick Seng, aged 37, Holland; Careline Lindon, aged 28, Baden; Franc Lindon, Baden; Carleina Koos, aged 5, Mary Leeffler, aged 50, Helland; Baden, Paul Mohelio, aged 28, Baden; Franc Lindon, Baden; Paul Mohelio, aged 28, Hade, Mary Leeffler, aged 50 months, Baden; Carelina Koos, aged 5 months, Baden; Lucie Kannengtesn, aged 3, Helland; Hendrika Ventoine, aged 48, Helland; Harsen, aged 48, Wartemberg; Elizabeth Meissenheim, aged 59 months, Hassen, aged 41, Helland; Care Abele, aged 18, Wartemberg; Elizabeth Meissenheim, aged 59 months, Hassen, aged 49, Helland; Care Abele, aged 18, Wartemberg; Elizabeth Meissenheim, aged 59 months, Hassen, aged 40, Pressia; Eva Hansen, aged 57 meissia; Helland; Hendrika Ventoine, aged 40, Pressia; Martin Hansen, aged 17, LIST OF THE SICK.

The following is a list of the sick who were left at the

Fort:
Mary Hand, 30, Prussia; Barbara Wilberscheid, 43, Prussia; Peter Rannengieser, 35, Prussia; Johann Rannengieser, 17, Prussia; Johanna Rannengieser, 3, Prussia; Therese Ksitsmer, 22, Wartemberg; Moritz Eckert, 22, Wurtemberg; Catharina Berla, 37, Prussia; Louise Wigger, 22, Prussia; Carolina Stephan, 21, Prussia; Catharina; Wiesgen, 28, Luxemberg; ACTION OF THE NEW-YORK ACADEMY OF MEDICINE UPON

SANITARY MEASURES AGAINST CHOLERA. The Academy of Medicine having devoted half its session

the present year to practical discussions upon the chief questions relating to the means of sanitary protection against chelera, and having prepared special "Reports upon House to House Visitation and the Medical Care of Cholera," "The Principles and Means of Disinfection," "Ventilation," and "The Principles and Methods of Sanitary Pelice Regulations, including Quarantine," unanimously adopted the following preamble and resolutions at its stated meeting, June 20, 1866:

presemble and resolutions at its stated meeting, June 20, 1806:
Wherear. The New-York Academy of Medicine has enderwored to
promote amount its own members and throughout the medical profession a spirit of exact and practical inquiry into the preventive and
remedial treatment of epidemic cholera:

Resolved. That this Academy hereby expresses its confidence in the
utility of general and specific hygienic measures as the best means of
protection against the pestilential prevalence of cholera in any locality where it nakes its appearance; and that the most thorough scarenging, cleansing and distinction are absolutely necessary means of
averting this pestilence in the sities and populous towns of our country at the present time.

Research That to the indepent of the Academy the medical profes-

regring this pestimene in the sities and popolous towns of our country at the present time.

Rest red. That in the judgment of the Academy the medical profession throughout this country should, for all practical purposes, act and advise in ucordance with the hypothesis (or the fact). that the choicele distribution is the weaker's discharges of choicers patients are capable in connection with well-known localizing conditions of propagating the cholera poston, and that rigidly inforcing precautions should be taken in every case of choicers to permanently disinfect or destroy those ejected dute by means of active chemical agents. Also, that these ejected dute by means of active chemical agents. Also, that these ejected dute by means of active chemical agents. Also, that the expected of the six value of the six and caspools should be knot thoroughly under the control of disinfectants.

Reselved. That we regard the nature and causes of choicer infection, so far as the sick or their discharge can propagate it, as being so was ceptible of control, that there should be no fear or besitancy in the personal care of the sick and all that pertains to them.

Reselved. That immediate and theorough decarding and disinfection of all perceas, clothing, and things that have been exposed to the discharge or persons of the sick with cholers, constitutes the chief end and object of any rational quarantine or external sanitary police regulations against choices.

Reselved. That for the purposes here mentioned, an external sanitary police is desirable in all great maritime and river towns; but that such sanitary police is desirable in all great maritime and river towns; but that such sanitary police is desirable in all great maritime and river towns; but that such sanitary police is desirable in all great maritime and river towns; but that such sanitary police is desirable in all great maritime and river towns; but that such sanitary police is desirable in all great maritime and river towns; but that such sanitary police is desirable

cholers, at the present time, is to be found in the vicilant and effective

Hygiene and Public Health of the Academy, and were unant-

SHAMEFUL NEGLECT OF A WOMAN WHO DIED OF CHOLERA Ann Crosby, the colored woman who died of choicra at No. 208 Church-st., at 7 p.m. of Wednesday, has been unattended by her friends ever since that time, and at 5 o'clock hast evening was still unburied and unattended. At 10:30 a. m. the following telegram was sent from the Fifth Precinct Station.

House to the Central Office:

"Ann Crosby, No. 228 Church-st, died yesterday at 7 p. m.
Has no friends to bury her. Disinfection of the body necessary.

At 5:03 p. m. the following was sent from the same piace:

"Ann Crosby, the woman who died of cholers last evening, has not been taken away yet. Has no triends to bury her." The first dispatch was from the Sanitary Inspector of the District, the second from the sergeant in charge of the Station

The Homeopathic Medical Societies of the Counties of New-

York, Kings and Westchester publish the following statement for the guidance of the public during an epidemic

cholers:
Cholera is preventible. In its early stages it is curable.
Cholera is developed chiefly in crowded dwellings, a campa, etc., and where animal and vegetable flith about therefore. To prevent it, all persons should observe the following pre-

cautions:

1. Avoid crowded assemblies and crowded sleeping apartments and shun the neighborhood of every kind of fifth and unpleasant smeil.

2. Thoroughly ventilate sleeping apartments and cellars, Keep cellars scrupniously clean and well whitewashed, and see that all decaying animal and vegetable matters are promptly removed.

3. Cleanse the woodwork of water-cleats; and throw into the water-cleats, every day, a solution of green copperse (half

the water-closets, evely day a second an ounce to one cuart of water.)

4. Avoid great fatigue of faind and body. Clothe warmly, avoiding perspiration. Wear a flaunch bandage around the bowels. In cold, damp weather, have a fire in the sittingroom.

5. Keep the body clean by bathing, but avoid excessive bathing, it involves a loss of bodily vigor and predisposes to

Veratrum.

It is a general rule that, when a patient is improving, the interval between doses of medicine should be lengthened.

WARNING.

Opium, in all its forms (Morphine, Landanum and Paregorie), is injurious and should not be used.

Many persons have recommended Camphor in much larges and more frequent doses than are advised in this circular. Tuese large doses of Camphor are injurious and often danger one.

STRAWBERRY FESTIVAL-The members of the Jane-st. M. E. Sabbath School will give a grand Strawberry and Cream Festival this evening. The entert-inment will be diversified by the singing of popular soles, due is, and choir

[Announcements.]

BANKERS, BROKERS, MERCHANTS .- Who is, and who is not, adapted to these pursuits? Why is it that one falls, and another succeeds? Puranotour answers these questions. Written charts gives by Mesurs. FOWLER & WRILE, No. 369 Broadway, N. Y.

FROM MESOPOTAMIA.

The Rev. N. Williams, Missionary at Mardin, Mesopotanie, writes:

I must tell you have splendidly our Sewing Machine (Writs.cox &
Grinsas works. We needed now hounges and I sewel for my wiscone
hundred yards of thick treams, from two to seven tricknesses. It has
not once been out of order—not once bulked—and it is a disport.

GO TO THOMAS R. AGNEW's, Greenwich and Morray ets., where you will find Teas, Coffees, Fisch, Flour and everything esse cheaper than any store in New York. One ories beuse.

BARTLETT & DEMOREST'S ELASTIC STIPCH PRACTICAL FAMILY SEWING-MACITINE, schapted for hand, trendle or find Labinst. Price \$25; treadic, \$5; table and cabinets according to finish.

PARTLETT & DEMOREST'S SEWING-MA-charte and most desirable either, and is in every particular the me plus ultrafamily sewing-machine. Price \$25. ARTLETT & DEMOREST'S FAMILY SEW-D ING MACHINES.—Splendid terms for special and exclusive agencies, No. 473 Broadway. The best machine for practical use, and the nost reliable seeing machine ever offered. Send for circular, at No. 673 Broadway, New York.

BARTLETT & DEMOREST'S ELASTIC STITCH
PRACTICAL FAMILY SEWING-MACHINE-Price #25. THE HOBOKEN RACES-FOURTH DAY.

THE HOBOKEN RACES—FOURTH DAY.

Funy flace.—Steecle Chase, Handicap premium, 6500, shout three miles. Eight entire.

Zigag, 190 lbs.; Nannie Craddock, 160 lbs.; Cecerd Williams, 153 lbs.; Stribtok, 120 lbs.; Ceprest, 150 lbs.; Roece. 190 lbs.; Reef's Mare, 160 lbs.; Lady Wolf, 110 lbs.

SECOND RACE.—Sweepstakes Purse \$400, for three jear clis, dash of two miles. Nine entires.

1. Marshal Anderson; 2. Ripler; 3. King Lear; 4. Ichadewe; 5. Satinstone; 6. Remores; 7. Propile; 3. Fadetie; 9. Ubrico.

THIND RACE.—The Press Stake \$700, all ages, to carry 100 lbs. (except three years olds.) Three mile hoats. Secon substributs.

Trains run from the foot of Chambers-st. to the Course at 9:15, 16 and 11:45 a. m., and 12:10 p. m. Returning, leave Race Course \$4:10 and \$5:35 p. m. Stages run from Union Hill to the Course.

J. HARVEY LYDN'S Secretary.

DAVIS, COLLAMORE & Co.,

Have now in store FLOWER STANDS for DINNER CENTERS, something new and very ornamental. A novel shape of PERFUME BOTTLE WITH STAND.

With their usual assortment of DINING, DESSERT and TEA SETS.

MARBLE VASES at reduced prices, and Glass of all descriptions.

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GUNPOWDER. ORANGE LIGHTNING POWDER,
ORANGE DUCKING POWDER,
ORANGE RIFLE POWDER,
FOURTH OF JULY POWDER,
CANNON POWDER, E. S. Government Strength for Salutes,
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No. 170 Broadway, New York.

